

Remarks

Claims 1-27 remain pending. Reconsideration is respectfully requested. Entry of the amendment is respectfully requested. No new matter has been added.

The drawings were objected to under 37 CFR 1.83(a).

Claims 1-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Magee (US 6,766,943).

The Drawing Objection

Applicants respectfully traverse the drawing objection. The drawings were objected to under 37 CFR 1.83(a) "because figure 15 fails to show the 'oscillator' and 'vibration circuitry'". The Office indicates that a "structural detail" showing is needed for an *understanding of the invention*.

However, 37 CFR 1.83(a) states that "The drawing in a nonprovisional application must show every feature of the invention specified in the *claims*". The Examiner does not cite where 'oscillator' and 'vibration circuitry' appear in the *claims*.

Furthermore, it is unclear how the Examiner's alleged need for a "*structural detail*" showing relates to the recited *process* steps. It is USPTO policy that when an application includes at least one process claim, then a drawing is *not* necessary for an *understanding of the invention*, nor is any drawing even required. Note MPEP § 601.01(f) and MPEP § 608.02(III). This application includes at least one process claim. Thus, the drawing objection is *prima facie* contrary to USPTO examination policy.

Applicants respectfully encourage the Office to withdraw the drawing objections. Applicants reserve the right to delete *all* of the (not required) drawing figures and references thereto to remove any possibility of a drawing objection.

The 35 U.S.C. § 102(e) Rejections

Magee does not teach the recited features and relationships. Claim 1 at step (a) recites "capturing with an imaging device, first image data . . . of a user interface". Claim 1 at step (b) recites "subsequent to (a), capturing with *the* image device, second image data . . . of *the* user interface" (step b). Claim 1 at step (c) recites "comparing the first image data and the second image data through . . . processor to determine if there is . . . a level of change". Claim 1 at step (d) recites "responsive to determining . . . the level of change . . . taking . . . programmed action".

The sections of Magee that are relied upon by the Office are not pertinent to the recited subject matter. At best, Magee has a camera (34) for biometric input (col. 7, lines 18-19). So. The Office ignores that step (b) refers back to *the* image device and *the* user interface of step (a). Where does Magee discuss capturing and comparing images of a user interface? Where does Magee discuss any image?

The Office has not shown that Magee teaches capturing an image of a user interface. Nor has the Office explained how a biometric process in Magee could be carried out by using an image that contains a user interface.

The Office has failed to show that Magee anticipates the claims. Thus, Applicants respectfully submit that the rejections should be withdrawn.

Additional Comments

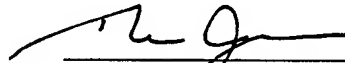
With regard to 35 U.S.C. § 103(c), Applicants respectfully submit that:

The present application and the Magee reference (US 6,766,943) were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same entity.

Conclusion

Applicants respectfully submit that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the Application by phone.

Respectfully submitted,



Ralph E. Locke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000